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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,675	05/22/2001	Heinz Oster	01-336	8706

7590

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EXAMINER

NGUYEN, THUKHANH T

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-4

Office Action Summary

Application N .

09/862,675

Applicant(s)

OSTER, HEINZ

Examin r

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001 .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1. Claims 7-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Defining the intended use of the apparatus and the material, which the apparatus is working on, does not further define the structures of the apparatus.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by the international publication (WO 99/08857).

The WO reference ('857) teaches an apparatus for formation of indicia in the base of a blister pack made of plastic coated metal foil (page 1, lines 4-7). The apparatus comprises an upper punch and a lower punch (6, 10) superimposed on each other, and a clamping means (4) for holding a film in between the punches. One of the punches (6) is made up two parts (6, 14) with a hollow cylindrical outer stem (6) and an inner stem (14) can be slid in a telescopic manner out of the outer stem (Fig. 3A-C).

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4. Claims 1-2, 5, and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese reference (11-314616).

The Japanese reference teaches an apparatus for blister packaging of synthetic resin sheet, or aluminum foil, comprises a die (5) with an opening to create a shape-forming region; a clamping means (Fig. 2, the frame); a plurality of shaping stems (26b) and a plurality of counter-stems (26a) that are superimposed on each other (Fig. 2) and located in the shape-forming region. The counter-stems (26) are situated on a piston (24), which can be displaced into the die along an axis of deform action, wherein the stems and counter-stems are made up in two parts comprising a hollow, cylindrical outer stem part (26a-b) and an inner stem (25a-b) that can be slid in a telescopic manner out of the outer stem part (§ 0023; claim 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese (11-314616) as applied to claims 1-2, 5 and 7-11 above, and further in view of Hirota et al (4,225,553).

The Japanese reference discloses a blister-packaging machine as described above, but fails to disclose that the stems have shape-forming regions with different friction coefficients, and a substrate of material of low coefficient of friction of guiding the film material.

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Hirota et al disclose an apparatus for reshaping sheet material, comprising a punch having different regions (9, 10) made by different material (col. 3, lines 40-42); thus, having different friction coefficient; and a substrate (11) located in between the die (5) and the clamping means (3), in which the outer region (10) of the punch and the substrate (11) are made of elastic rubber (col. 4, lines 20-30; col. 6, lines 6-10) to prevent wrinkles on the formed article at the die radius corner (col. 3, lines 46-52).


It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the Japanese reference by providing the stems having different friction coefficients at different regions as taught by Hirota et al, because the outer region of the die and the substrate made of lower coefficient material would prevent wrinkles on the formed article at different area.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN
June 7, 2003


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700
6/10/03